



**City of Santa Barbara**  
Parks and Recreation Department

**Memorandum**

**DATE:** June 20, 2012

**TO:** Creeks Restoration/Water Quality Improvement Program  
Citizen Advisory Committee

**FROM:** Jim Rumbley, Code Enforcement Officer

**SUBJECT:** Enforcement Program Update

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**COMMITTEE DIRECTION – FOR DISCUSSION**

That the Committee receive a presentation and discuss the Storm Water/Urban Runoff Pollution Prevention and Enforcement Program.

**DISCUSSION**

The overall objective of the Storm Water/Urban Runoff Pollution Prevention and Enforcement Program is to identify and eliminate sources of water pollution to the City's streets, storm drains, creeks, and ocean.

**1. Enforcement Authority and Scope**

The City of Santa Barbara Municipal Code (SBMC) includes ordinances that prohibit discharges of polluted runoff to the storm drain system and water pollution in general. The SBMC also provides enforcement authority related to illicit discharges.

Similar to the State regulations and National Pollutant Discharge Elimination System (NPDES) regulations, SBMC Chapter 16 also defines and prohibits water pollution. SBMC Chapter 16 generally states that anything other than clean water shall not be placed into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the State.

However, the SBMC does exempt some discharges from the general water pollution prohibition. These include *uncontaminated* discharges from: landscape irrigation, water line flushing, potable water sources, foundation drains, footing drains, air conditioning condensate, lawn watering, crawl space pumps, individual residential automobile washing, and street washing, including sidewalk washing. Contamination is defined in the SBMC as an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

## 2. Enforcement Process

### *Staffing and Coordination:*

Illicit discharges are detected and reported by Creeks Division staff, other City and County staff, as well as community members who call the enforcement line (897-2688). The enforcement line is monitored during the Creeks Division's regular business hours. The table below shows who reports the illicit discharges received.

Enforcement Calls From	FY12	FY07-FY12
Creeks Division Staff	28%	25%
Other City Staff	28%	26%
Residents	37%	41%
Other Agency Staff	7%	8%

Presently, the Creeks Division has one Code Enforcement Officer responding to the majority of illicit discharge reports. Three additional staff members are trained and available to respond to reports when needed.

The Creeks Division coordinates enforcement efforts with Environmental Services, Wastewater, Water Supply, Building & Safety, Police, Fire, and other City staff who enforce sections of the SBMC. The Creeks Division also coordinates with County Project Clean Water staff for discharges that occur outside the City limits.

### *Response:*

When illicit discharges are reported, Creeks Division staff investigates to assess whether the discharge is a violation of the SBMC. Staff's goal is to respond as quickly as possible after the report of a violation is received in order to observe the violation while it is still occurring. So far in Fiscal Year 2012, staff has responded on the same day that reports were received 99% of the time.

When staff observes a discharge occurring, enforcement involves communicating to those responsible for the discharge (discharger) that their actions are a violation of the SBMC. Staff requires the discharger to immediately abate the discharge when possible and almost always stays on-site until the discharge is abated. In rare instances staff is unable to stop a discharge and staying on-site does not help to achieve abatement.

### *Creating an Enforcement Case-- Issuing a Notice of Violation:*

When evidence of a Municipal Code violation is observed, staff sends a Notice of Violation (NOV) warning letter (1<sup>st</sup> offense within 12 months) or a citation (2<sup>nd</sup>+ offense within 12 months) to the property owner where the discharge occurred, and copies of the letter are sent to any tenants or contractors involved.

For most cases there are no abatement deadlines, since violations are almost always abated while staff are present. When there is an abatement deadline (mostly for

discharge clean-up), the time period ranges from 2-7 days depending on the violation and estimated time for clean-up. An Administrative Citation can be issued if the abatement deadline given in the NOV is not met and/or it is a documented repeat violation. The fine structure of the Administrative Citation Program is shown in the table below.

<b>Enforcement Stage</b>	<b>1st Offense</b>	<b>2nd Offense (within 12 months)</b>	<b>3rd Offense (within 12 months)</b>
Initial	Warning	\$200 fine (no warning)	\$250 fine (no warning)
1st missed deadline	\$100	\$200 fine per day	\$250 fine per day
2nd missed deadline	\$100 per day	\$200 fine per day	\$250 fine per day
3rd missed deadline	Referral to City Attorney or Regional Water Board	Referral to City Attorney or Regional Water Board	Referral to City Attorney or Regional Water Board

Many enforcement responses that are investigated do not result in a Notice of Violation. Reasons for this include:

1. No violation was found. The discharge is exempt under the municipal code such as air conditioning condensate or residential car washing.
2. The discharger cannot be found. Illegal dumping cases make up a majority of these instances.
3. Violation falls under the jurisdiction of another department or agency and the case is transferred.

#### *Discharge Sources:*

All reported violations are tracked in a spreadsheet and NOV's and citations are tracked in a separate city-wide database system. When violations are entered into the enforcement spreadsheet, they are classified by the discharge source type. The table below shows the distribution of discharges reported by type.

<b>Sources of Illicit Discharges</b>								
	<b>Automotive</b>	<b>Construction</b>	<b>Commercial Industrial</b>	<b>Mobile Business</b>	<b>Illegal Dumping</b>	<b>Residential</b>	<b>Other</b>	<b>Total</b>
<b>Number of Reports - FY12</b>	16	27	78	13	32	30	13	209
	7.7%	12.9%	37.3%	6.2%	15.3%	14.4%	6.2%	100.0%
<b>Number of Reports - FY07-FY12</b>	63	121	396	60	96	217	105	1058
	6.0%	11.4%	37.4%	5.7%	9.1%	20.5%	9.9%	100.0%

## Appendix A. Enforcement Data

The table below shows enforcement data for Fiscal Year 2008, Fiscal Year 2009, Fiscal Year 2010, Fiscal Year 2011, and through the end of May for Fiscal Year 2012.

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
<b># of reported violations</b>	<b>290</b>	<b>190</b>	<b>202</b>	<b>224</b>	<b>209</b>
<b>NOVs issued</b>	<b>70</b>	<b>58</b>	<b>68</b>	<b>89</b>	<b>72</b>
<b>Citations issued (fines total in \$)</b>	<b>5 (\$500)</b>	<b>3 (\$300)</b>	<b>6 (\$1200)</b>	<b>8 (\$1600)</b>	<b>5 (\$1050)</b>
<b># of reported violations receiving same day enforcement response</b>	<b>224 (77%)</b>	<b>136 (72%)</b>	<b>191 (95%)</b>	<b>219 (98%)</b>	<b>206 (99%)</b>

cc: Cameron Benson, Creeks Manager  
Jill E. Zachary, Assistant Parks and Recreation Director